



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

AUG 18 2004

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

BY FACSIMILE AND
FIRST CLASS MAIL

The Honorable Jaun N. Babauta
Commonwealth of the Northern Mariana Islands
Government of the Northern Mariana Islands
P.O. Box 10007
Saipan, MP 96950

Re: Request for Exercise of Enforcement Discretion for Gasoline Sulfur Regulations
for the Commonwealth of the Northern Mariana Islands

Dear Governor Babauta:

I am writing in response to the request by the Environmental Protection Agency (EPA) Region 9, on behalf of the Commonwealth of the Northern Mariana Islands (CNMI), that the Office of Enforcement and Compliance Assurance (OECA) exercise its discretion not to enforce 40 C.F.R. part 80, subpt. H (Gasoline Sulfur Regulations) in CNMI, during the period of time it takes EPA's Office of Air and Radiation (OAR) to complete the promulgation of a rule exempting CNMI from the Gasoline Sulfur Regulations.

OAR has concluded that the use of gasoline that does not comply with the Gasoline Sulfur Regulations in CNMI would not result in adverse environmental effects. For this and other reasons, OAR has committed to issue a rule to exempt American Samoa, Guam and CNMI from the Gasoline Sulfur Regulations. Moreover, OAR believes that this exercise of enforcement discretion will help to ensure an adequate supply of gasoline to your area during this period due to the potential unavailability, based on your geographic location, of a low sulfur supply of gasoline.

Accordingly, I am approving this "no action assurance" to bridge the gap between the current requirements of the Gasoline Sulfur Regulations and OAR's finalization of a rule exempting CNMI from the Gasoline Sulfur Rule. OECA will exercise its enforcement discretion to allow regulated parties to supply gasoline that does not comply with the Gasoline Sulfur Regulations to CNMI effective immediately until November 1, 2005, or until the exemption by rule is finalized, whichever is earlier.

If you have questions, please call Mr. Adam M. Kushner, Acting Director of the Air Enforcement Division, at (202) 564-7979.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Thomas V. Skinner', with a long horizontal flourish extending to the right.

Thomas V. Skinner
Acting Assistant Administrator

cc: Jeffrey Holmstead
Assistant Administrator
Office of Air and Radiation
202-501-0986 (FAX)

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American Petroleum Institute
202-682-8031 (FAX)

National Petroleum Refiners Association
202-457-0486 (FAX)

Petroleum Marketers Association of America
703-351-9160 (FAX)